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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,806	04/08/2000	Wen-Syan Li	073303.0105	2221

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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 10/07/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,806

Applicant(s)

LI ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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Detail Action

1. This Office Action is in response to the Response Restriction filed on 09/16/2003. Applicant's election without traverse of Group I (Claims 2-7 and 17-22) in Paper No. 8 is acknowledged. Claims 2-7, 17-22 remains for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 2-7 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanemitsu (US 6,499,051).

4. As to claim 2, Kanemitsu teaches an information transmission method and system comprising:

a server (information providing center 1) configured for communicating with requestors (information communication system 2) over at least one communication network (Kanemitsu, Fig. 2 and corresponding text, C3: L47-67 and C4: L1-14);

wherein if a first request from a first requestor for a plurality of objects is received, the server is programmed for scheduling delivery of the plurality of objects in ascending order of object size (Kanemitsu, C4: L58-67 and C5: L1-19); and

wherein if a second request from a second requestor for one or more objects is received prior to the delivery of one or more objects from the first request, the server is programmed for scheduling the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size (i.e., regardless of the order of the search requests or search results obtained by searching databases, the data is retrieved from the databases to be temporarily stored, arranged and transmitted in an ascending order of data amount with the smallest amount is first transmitted; the data is not transmitted in the order of readout/retrieval, or temporary storage for transmittance) (Kanemitsu, C4:L58 - C5:L19 and C6:L28 - C7:L28).

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5. As to claim 3, Kanemitsu teaches the system as in claim 2, wherein regardless of the order of the search requests (i.e., second requests received prior or during the processing of the first request) or search results obtained by searching databases, the data is retrieved from the databases to be temporarily stored, arranged and transmitted in an ascending order of data amount with the smallest amount is first transmitted (i.e., suspended objects, new objects would be temporarily stored, arranged and delivered by the assigned priority in ascending order of object size) (Kanemitsu, C4:L58 - C5:L19, C5: L60-65 and C6:L28 - C7:L28).

6. Claims 4-5 are corresponding system claims of claims 2-3; therefore, they are rejected under the same rationale.

7. As to claim 6, Kanemitsu teaches an information transmission method and system comprising:

a user (information communication system 2) configured for communicating with a server (information providing center 1) over at least one communication network (Kanemitsu, Fig. 2 and corresponding text, C3: L47-67 and C4: L1-14);

wherein if the user receives a plurality of objects for delivery to a Web browser, the user is programmed for scheduling the delivery of any whole or partial undelivered objects in ascending order of object size (i.e., regardless of the order of the search results (objects for delivery) obtained by searching databases, the data is retrieved from the databases to be temporarily stored, arranged and transmitted in an ascending order

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of data amount with the smallest amount is first transmitted; the data is not transmitted in the order of readout/retrieval, or temporary storage for transmittance) (Kanemitsu, C4:L58 - C5:L19 and C6:L28 - C7:L28).

8. As to claim 7, Kanemitsu teaches the system as in claim 6, wherein regardless of the order of the search requests or search results obtained by searching databases, the data is retrieved from the databases to be temporarily stored, arranged and transmitted in an ascending order of data amount with the smallest amount is first transmitted (i.e., suspended objects, new objects would be temporarily stored, arranged and delivered by the assigned priority in ascending order of object size) (Kanemitsu, C4:L58 - C5:L19, C5: L60-65 and C6:L28 - C7:L28).

9. Claims 17-22 are corresponding method claims of claims 2-7; therefore, they are rejected under the same rationale.

Response to Arguments

10. In the remarks, applicant argued in substance that

(A) Prior Art does not teach or suggest “ordering the totality of the data from the first and second requestors in ascending order of object size”.

As to point (A), Kenner teaches an information transmission method for an information providing center (a server) to transmit a response to clients' requests (requestors) regardless of the order of the search requests (can be given a reasonable interpretation as two or more requests for information from one or more clients because the information providing center, i.e., server does provide services and a variety of information to more than one information communication systems or vehicles, i.e., clients) (Kenner, C1: L29-33 and C8: L24-28).

Kenner also teaches that regardless of the order of the search requests (i.e., second requests received prior or during the processing of the first request) or search results obtained by searching databases, the data is retrieved from the databases to be temporarily stored, arranged and transmitted in an ascending order of data amount with the smallest amount is first transmitted (i.e., suspended objects, new objects would be temporarily stored, arranged and delivered by the assigned priority in ascending order of object size) (Kanemitsu, C4:L58 - C5:L19, C5: L60-65 and C6:L28 - C7:L28).

Hence, Kenner does teach “ordering the totality of the data from the first and second requestors in ascending order of object size”.

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13. Applicant's arguments as well as request for reconsideration filed on 09/16/2003 have been fully considered but they are not deemed to be persuasive.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

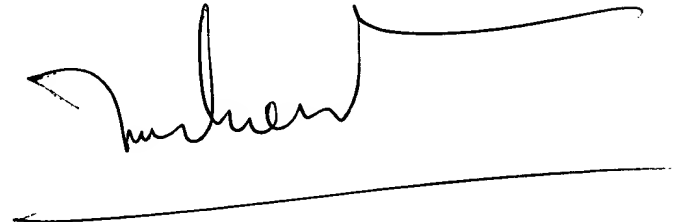
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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a long horizontal line extending to the right.

LE HIEN LUU
PRIMARY EXAMINER